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SOME Queſtions Reſolved CONCERNING EPISCOPAL AND PRESBYTERIAN GOVERNMENT IN SCOTLAND.

I proteſt before the great God, and ſince I am here as upon my Teſtament, it is no time for me to lye in, that ye ſhall never find with any High-Land *or* Border *Thieves, greater Ingratitude, and more Lies, and vile Perjuries, then with theſe Phanatick Spirits. And ſuffer not the Principles of them to break your Land, if you like to ſit at reſt: Except you keep them for trying your Patience, as* Socrates *did an evil Wife.* K. J. his ΒΑΣΙΛΙΚΟΝ ΔΩΡΟΝ, lib. 2. p. 51. Lond.

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IMPRIMATUR,

March 10 1690. *Z. Isham, R. P. D. Henrico, Episc. Lond. à Sacris.*

THE PREFACE.

THE Government by Arch-Biſhops and Biſhops, was in Scotland *reſtored* An. 1662, *as being* moſt agreeable to the Word of God, moſt convenient for the preſervation of Truth, Order, and Unity, and moſt ſuitable to Monarchy, and the peace and quiet of the State. *Thoſe motives for its Reſtitution are every way ſo great, that none others can be ſo worthy of the* Wiſdom of that Nation, *which challengeth a more early Profeſſion of Chriſtianity, and an Ancienter Race of Kings, than any of theſe parts of Chriſtendom can well pretend to. But that Eccleſiaſtical Government, which in its ſelf is moſt agreeable to the Scriptures, and beſt fitted againſt Hereſie and Schiſm, may to prejudiced Men ſeem burthenſome, and by them be Miſrepreſented to others.*

From this it hath happened, that the Epiſcopacy (as Exerciſed in Scotland *theſe* 26 *years) hath been of late aboliſhed,* as an unſupportable Grievance to the Nation, contrary to the general Inclition of the People, and inconſiſtent with the Legal Eſtabliſhment of that Church at the Reformation:

formation. *Whoever duly compares the Narratives of theſe Two Acts, the one, about its Reſtitution, and the other, about its Aboliſhment, may find ſome of their Reaſons why no other Eccleſiaſtick Politie is yet ſettled in its place; For by this delay, every Member of Parliament hath had time to conſider what Church Government for Eſſentials is of Divine Right, and may both preſerve the Church from Hereſie and Schiſm, and the State from Uſurpation and Rebellion; and which may beſt conduce to the ſatisfaction of all Religious Proteſtants, and Loyal Subjects in that Kingdom. For this Effect, the due conſideration of the following Queſtions is doubtleſs of great importance, and the impartial Reſolution of them cannot but be at this time very ſeaſonable. Whether they are reſolved here with ſuch impartiality as this matter requires, is ſubmitted to the unbyaſſed Judgment of the Reader: Whom I ſhall deſire that if he has any thing to object, he will tell the world in Charity and Meekneſs, that are the proper Characters of Chriſtianity, and not in that Unchriſtian way of Evil Speaking and Reviling, which ſufficiently ſhews what Spirt he is of, that writ,* The brief and true Account of the Sufferings of the Church of *Scotland*, occaſioned by the *Epiſcopalians* ſince the year 1660.

I wiſh I had ſeen that Pamphlet before this was going to the Preſs. It would have Occaſion'd *me to add ſome things more, tho' I do not find my ſelf obliged by it, to alter any thing that I have Written.*

SOME

SOME

Queſtions, &c.

QUESTION I.

Whether Presbytery *(as contrary to the* Epiſcopacy *reſtored in* Scotland, An. 1662.*) was ſettled by Law when the* Proteſtant Religion *came to have the Legal Eſtabliſhment in that Kingdom?*

1. ALL the Diſpute here, intrinſick to the notion of a Church Governour, is purely this; Whether he ſhould be nominated by the State or by the Church; whether after Nomination, the power to Elect him ſhould be entruſted to a Delegated Number, or remain in the mixt Synod of Clergy and Laity; and whether after the Election is paſt, his Inſtitution unto his Office ſhould be for Life, or only during Pleaſure; and laſtly, whether in the Exerciſe of his Function he have a Negative voice over his Synod, or they a Concluſive Voice over him: Wherefore the Presbyterian Moderator *An.* 1662. aboliſhed,

is rightly defined, the Church-Moderator, Nominated and Elected by the Clergy, Lay-Elders and Deacons of the Synod; inſtituted unto his Office during their pleaſure; inveſted with no fixed Power of Ordination; nor any Negative Voice in the exerciſe of his Juriſdiction. And the Epiſcopacy which was then reſtored, is by the Rule of contraries a Church-Government of a Moderator Nominated by the King; Elected by the Chapter; inveſted with a fixed power of Ordination regulated by Cannons; and of Juriſdiction balanced by aſſiſting Presbyters.

2. Now although ſuch an Epiſcopacy was in *Scotland* taken away *April* laſt, yet ſince Presbytery is not yet ſetl'd by Law, this queſtion of Fact propos'd about it, may be ſtated and reſolved according to Truth, without the crime of *LEESING MAKING*.

3. It is not to be doubted, but that the Proteſtant Religion had the Legal Eſtabliſhment in *Scotland*, in the year 1567, in which year by Parliamentary Statutes Popery was Aboliſhed, a Proteſtant Confeſſion of Faith Authorized, and their Kings by the Coronation Oath obliged to maintain it.

K. James 6. Parl. 1. Act. 2, 3, 8.

4. By the Nature of the *Scotiſh* Monarchy, neither the King without Advice of his Eſtates, nor they without his Royal Conſent touching the Publick Act with his Scepter, can make or unmake Laws to govern the People: Wherefore the Conſtitution of Biſhops having then the Publick Authority, (the Popiſh Biſhops ſitting in this Parliament which thus ſetl'd the Reformation) muſt in the conſtruction of the Law be conſeſt to remain firm and valid from the aforeſaid year 1567, till the full Legiſlative Power of the King in Parliament, concur'd to ſhake or deſtroy it.

Spotswood's 3 Book

5. But whatever was done at that time in favour of Mr. *John Knox* his Book of *POLICY*, (propoſing a ſuperintendency which is another Model of Epiſcopacy) or Mr. *Melvil* his Book of *DISCIPLINE*, (propoſing Presbytery, *An.* 1578, by Acts of *Privy Council* extorted in tumultuous times, through the Menacing Applications of Clergy Men Aſſembling them-

Spotswood Book 3. p. 152. Book 6. p. 289.

themſelves without Warrant; yet before the year 1592, there is no Act of Parliament either in Print or Unprinted, ſetling that Presbytery which is contrary to the Epiſcopacy Eſtabliſhed before, and remaining in ſubſtance at the time of the Reformation.

6. Wherefore the impartial Reſolution of the Queſtion propoſed, is in ſhort this, That Presbytery, as contrary to the Epiſcopacy reſtored in *Scotland An.* 1662, was not by Law ſetled 35 years after the Proteſtant Religion had the Legal Eſtabliſhment in that Kingdom.

QUESTION II.

Whether ever Presbytery was ſetled in the Church of Scotland, *without conſtraint from tumultuous times?*

1. KING *James* deſcribing the *Presbyterians*, calls them *the very Peſts in the Church and Commonwealth, whom no deſerts can oblige, neither Oaths nor Promiſes bind, breathing nothing but Sedition and Calumnies, Aſpiring without Meaſure, Railing without Reaſon, and making their own Imaginations (without any warrant of the Word) the ſquare of their Conſcience.* And thereafter deſcribing *their Church Politie and Diſcipline*, calls it *that Parity which can never ſtand with the Order of the Church, nor the Peace of a Commonweal, and well Ruled Monarchy*: Now when theſe are the Characters which the *Britiſh Solomon* gives *Presbyterians and Presbytery (and with a Proteſtation before God that he lies not)* Who can with any ſhadow of *Reaſon*, or grain of *Charity*, think that he either was ſo *Unwiſe* or *Irreligious*, *as by Act of Parliament* to Eſtabliſh *Presbytery* in the Church, out of his own free choice, and not out of ſome kind of Compulſion? Nay, when that Government and its Admirers have theſe Characters

Βασιλικον Δωρον. *lib.* 2. *p.* 28. *Lond. Ed.*

racters from him, can any thinking man read over the *Act of Reſtitution of Biſhops An.* 1606, and not believe that, according to its Preamble, the former Act *An.* 1592, impairing that *firſt Eſtate* of his Kingdom, was purely owing to his *young years and the unſetled Condition of Affairs?*

Βασιλικον Δωρον, *l.* 2.

How he was forced to it we may learn from his own Book, wherein he ſays, that God Almighty was pleaſed that the Bleſſed Reformation of *Scotland* ſhould begin with Unordinate and Popular Tumults, of men clogg'd with their own Paſſion and particular Reſpects; that ſome fiery ſpirited Miniſters got ſuch a guiding of the People at that time of Confuſion, as finding the guſt of Government ſweet, they began to fancy a Democracy to themſelves; that having been over well baited upon the wrack, firſt of his Royal Grandmother, and next of his own Mother, and uſurping the liberty of time in his own long Minority, there never roſe any Faction among Stateſmen, but they that were of that Factious part, were careful to perſwade and allure the Church-Men to eſpouſe that quarrel as their own: Wherefore in the year 1592, the pernicious Feuds between the Earls of *Huntley* and *Murray*, and thoſe Conteſts between the Aſſembly Men of the Clergy and the Lords of the Seſſion: Together with repeated Treaſonable Plots carried on againſt his Royal Perſon, by *Bothwel*, and his Aſſociates, of the greateſt Power and beſt Quality, forced that young King to ſettle Presbytery in the Church, that thereby he might bring off Presbyterians from joyning with the Acts of their Kirk to unſettle his Throne.

Spotswood 6 Book.

3. *Charles the Firſt* of ever Bleſſed Memory, *he pleads that in Charity he may be thought deſirous to preſerve the* Engliſh *Church Government by Biſhops in its right Conſtitution, as a Matter of Religion, wherein both his Judgment was juſtly ſatisfied, that it hath of all others the fulleſt Scripture Grounds, and alſo the conſtant practice of all Chriſtian Churches.* And after he had written this Confeſſion with *Ink*, and then Sealed it with his *Royal Blood*, who can imagine that his

K. *Charles* Εἰκων Βασιλικη, 17 Chap.

his once giving ſome way to Presbytery in *Scotland*, was his voluntary Act, eſpecially when his Majeſties Commiſſioner the Earl of *Traquair*, (according to inſtructions) gave in his Declaration to the contrary: But here there is no need to declare the unhappy State of Affairs that forced him to it: Since there are Volumes written concerning that Religious Rebellion, which produced the moſt horrid Murder of the beſt King that ever was in theſe Kingdoms. *Auguſt* 30. 1639.

4. Wherefore the Impartial Reſolution to the queſtion propoſed, is in ſhort this, that K. *James* the *6th*, and K. *Charles* I. ſetled Presbytery in the Kingdom of *Scotland*, being conſtrained thereunto by troubleſome and tumultuous times.

QUESTION III.

Whether the Principles of Scottiſh *Presbytery grant any Toleration to Diſſenters?*

1. SINCE the ſolemn League and Covenant is the Canon, and the Acts of the general Aſſembly the Comment, of the Principles of *Scotch* Presbytery, this Queſtion in reference to their Toleration of Diſſenters, plainly reſolves in this, Whether Covenanters and Aſſembly-men according to their Principles, are for Liberty of Conſcience, or againſt it?

2. In the firſt *Article* of the *Solemn League*, they ſwear, *That they ſhall ſincerely, really and conſtantly endeavour the preſervation of the Reformed Religion in the Church of* Scotland *in Diſcipline and Government againſt their common Enemies.*

3. To preſerve this part of the *Reformation*, they ſwear again in the *ſecond Article againſt Popiſh Prelacy, that is, the Church Government by Arch-Biſhops, Biſhops, their Chancelors*

celors and Commissaries, Dean and Chapters, Arch-Deacons, and all other Ecclesiastical Officers depending on that Hierarchy, Superstition and Heresie.

4. What is meant by their *Sincere Real* and *constant endeavour against their common Enemies* (King or Parliament) for *preserving* that *Reformation* in *Church-Government*, by extirpating such an *Episcopacy*, is manifest in the *last Article*, in which they swear *to assist and defend all those that enter into the League and Covenant, in the maintaining and persuing thereof, and that they shall not suffer themselves directly or indirectly, by whatsoever Combination, Perswasion or Terror to be divided from their Blessed Union and Conjunction, whether to make defection to the contrary part, or to give themselves to a detestable indifferency or neutrality in the Cause, which so much concerneth the Glory of God.*

5. But if after all these parts of the first, second, fourth, and sixth *Articles* of the *Covenant* compared together, any Scruple yet remains, whether those Men who make Conscience of the Oath they have taken against any *Indifferency* or *Neutrality* in this *Cause* against *Episcopacy*, (which in Charity I believe they think the Cause of Christ) can allow any Toleration to Dissenters, let us in the next place consider some Acts of their *General Assemblies*, which are the *Infallible Interpreters* of this *Rule* of their *Faith* about *Ecclesiastical Polity*. Now although the Episcopal Clergy in the times before the year 1639, (when they saw that destruction of the Church Government) neither themselves appear'd in Tumults nor in Sermons, or Books, exhorted others to Tumultuate, (for to preserve it) yet the Presbyterians were so far from taking pains to gain them unto a Conformity, or in case they conform'd, from letting them continue in their Cures (as the Presbyterians were dealt with, after the year 1662) that on the contrary they pass these following Acts.

6. *The General Assembly ordaineth the subscription of the* Aug 1639. *Covenant to all the Members of that Kirk and Kingdom.*

And

7. And whereas the former Act *Aug.* 1639. had not been obeyed, it was again ordain'd by another *Aſſembly*, *That all Miniſters make intimation of the ſaid Act in their Kirks, and thereafter proceed with the Cenſures of the Kirk againſt ſuch as ſhall refuſe to ſubſcribe the Covenant; and that exact account be taken of every Miniſters diligence herein by their Presbyteries and Synods, as they will anſwer to the General Aſſembly.* *Aug.* 1643.

8. Neither was this laſt Act, inflicting *Eccleſiaſtical Cenſures* only to fall heavy upon thoſe who were hinderers of their *bleſſed Reformation*, (whom they called *Anticovenanters*) but in the *Aſſembly*, *it's appointed, that all Miniſters take ſpecial notice when any ſecret diſaffecters of the Covenant ſhall come within their Pariſhes, that ſo ſoon as they ſhall know the ſame, they may without delay, cauſe warn them to appear before the Presbyteries, within which their Pariſhes lies, or before the Commiſſioners of the Aſſembly appointed for Publick Affairs, as they ſhall find moſt convenient; which warning the Aſſembly, declares ſhall be a ſufficient Citation unto them.* *May* 1644.

9. *And that all, and every one of ſuch Offenders ſhall humbly acknowledge their Offence upon their knees, firſt, before the Presbytery, and thereafter, before the Congregation, upon a Sabbath, in ſome place before the Pulpit; and in the mean time, they be ſuſpended from the Lords Supper. And in caſe they do not ſatisfie in manner aforeſaid, they be proceſſed with Excommunication:* And this is as eaſie an *Eccleſiaſtick Cenſure* as the whole body of their Acts of *Aſſembly* have upon Record, or any now alive can remember. Nay, the Aſſembly *enjoyns this Excommunication againſt Covenanters themſelves, who but in ſo far comply with Malignancy* (the King's Evil of thoſe times) *as to drink the health of any declar'd a Common Enemy of that Covenanted Kirk and Kingdom.*

10. And in caſe any *Excommunicated Malignant* ſhould, for all his being *Heathen*, be yet ſo much the *Chriſtian*, as to long after the Communion of Chriſt's Body and Blood, they did all they could to hinder it: For not only is

it

it by them ordain'd, *That all Depoſed Miniſters, who after the Sentence of Deprivation pronounced againſt them, exerciſe any part of the Miniſterial Calling in the Places they formerly ſerved in, or elſe where, they ſhould be proceeded againſt with Excommunication: but Five Years before, Anno* 1643. *it was by them provided, that if any Covenanted Miniſter ſhould haunt the company of any Excommunicated Perſon, he ſhould for the firſt fault, be ſuſpended from his Miniſtry, by his Presbytery, during their pleaſure: and for the ſecond fault be deprived: and in caſe the Presbyteries be negligent therein, that the Provincial Aſſembly ſhall cenſure the Presbytery thus negligent:* And when they have done ſufficiently to deprive the Excommunicate perſon of all Spiritual Mercy (as far as they could do) they proceed to take from him all his temporal comfort of *Liberty* and *Property* *Act. 154.* according to their Act, whereby *they order his Perſon to be impriſoned, after the loſs of his Goods and Eſtate.*

11. Now theſe being the Principles of *Presbytery*, founded upon the Oath of the *Covenant* (to extirpate *Epiſcopacy*, and never to be *indifferent in the Cauſe*) and explained in the Aſſembly-Acts, (enjoyning *Cenſure* and *Excommunication*, and recommending to the *State* the Temporal puniſhment of *Forfeiture* and *Impriſonment* to paſs thereupon againſt all Perſons diſaffected) the impartial reſolution to the Queſtion is this, That the Principles of Scottiſh Preſbytery grant no Toleration to Diſſenters.

QUESTION

QUESTION IV.

Whether between the Year 1662. and the Year 1689. Presbyterian Separatiſts were guilty of ſinful Separation?

1. THE *Larger Catechiſm* agreed upon by the pretended Aſſembly at *Weſtminſter*, with aſſiſtance of Commiſſioners from the *Kirk of Scotland*, and thereafter approved by their general Aſſembly, teacheth ſuch Doctrine, as from it can be demonſtrated how neceſſary it is for Salvation that every perſon keep Communion with the *particular Church* eſtabliſhed by the *Laws of the State* he liveth in; unleſs ſhe either *enjoyn* in her *Canons* any ſinful *term of Communion*, or *propoſe* in her *Confeſſion of Faith* any Heretical *Article*, or *preſcribe* in her *Directory for Worſhip*, any *Idolatrous* impurity. So that the Queſtion here propoſed plainly reſolves into this, Whether the Epiſcopal Church of *Scotland* theſe 27 years enjoyn'd any ſinful *Canon* as a *term of Communion*, or profeſs'd any *erroneous Doctrine* to be *believed*, or *directed* any *Idolatry* to be performed in *Divine Worſhip*.

2. All the *Presbyterians* in the World cannot produce one *Canon* of any *Synod* of the *Epiſcopal Church* of *Scotland*, from 1662. to the laſt year, with which they will not readily comply, excepting thoſe *Canons* that *qualifie Miniſters* to the Exerciſe of the *holy Function*: and none of thoſe are enjoyned the Clergy of that Perſwaſion, as a term of their Communion, but as a condition of their Miniſtration: So that however theſe ſhould debar any Miniſters from the *Pulpit*, they cannot ſhut them out of the *Church*. Nay, when it hath been demonſtrated to them (in a Letter for Union, dated at *Edinburgh* the 4*th* of *March*

laſt) that never any *Confeſſion* of our Reformed Church avowed a *Divine Right* in a parity among all Church-Officers; and that the *Solemn League* did not abjure the *Preſident Biſhop*, and that the *Engliſh Presbyterians*, in Conſcience of their Oath of the Covenant, petitioned for ſuch an Epiſcopacy; I think it may be preſumed (when twelve-months are paſt without any Reaſon publiſhed againſt the ſaid Letter) that they now believe that ſin lieth at their door, for leaving their Charges after the Reſtauration of our Kingly Government, upon the point of Difference about Epiſcopacy.

Two Papers of Propoſals to K. Ch. 2. An. 1661.

3. In the ſecond place, the *Scottiſh* Presbyterians, for *Matters of Faith*, adhere to the *Weſtminſter* Confeſſion, in obedience to the Act of their General Aſſembly: Now let any Presbyterian diſcover, if he can, one ſingle *Article* of all the three and thirty *Chapters* of that *Confeſſion*, that was ever condemn'd by the late Epiſcopal Church of *Scotland*, in any whatſoever *Synod*, ſince the time of its Reſtitution.

Aug. 1647.

4. Thirdly, *Scotch Presbyterians*, for publick Worſhip in the Church, retain the *Directory*, compoſed by the foreſaid pretended Aſſembly at *Weſtminſter*, and thereafter approved by the General Aſſemblies of their *Kirk*. Now to this Rule of Divine Service the eſtabliſhed *Epiſcopal Church* there hath theſe 27 years been more conformable than the Preſbyterians ever were or are. It is true, that thoſe who have Sworn in the *Solemn Leagne* to preſerve the Proteſtant Religion as it ſtood reformed in *Scotland*, *An.* 1638. and to reform the *Kingdom* of *England*, in the ſame point of *Worſhip*, according to the *Example of the Church of Scotland*, are by virtue of this their Solemn Oath obliged to ſing the *Doxologie* after the ſinging Pſalms, ever after the year Forty Eight, as well as they did it all the ten years before; and to avoid the ſin of *Perjury*, they were bound to make their Engliſh Brethren to ſing it, rather than at *their* inſtigation to forbear to ſing it themſelves. But not to inſiſt upon this *Covenant-Obligation*, doubtleſs when the Epiſcopal

Feb. 1645.

pal *Church of* Scotland continues that Chriſtian Hymn, which the *Directory* hath no where forbidden, their ſin of *Commiſſion* is not half ſo great as the *Omiſſion of the Lords Prayer*, which the *Directory* enjoyneth to be ſaid at Sermon times, of which Omiſſion the Presbyterians are only guilty, of all the Chriſtians in the world.

5. Again, in *Adminiſtration* of both *Sacraments*, the Epiſcopal Church of *Scotland*, obſerveth the *Directory* in all things, ſave one which is a very juſtifiable Practice; and that is in the Office of Baptiſm, the ſolemn *Confeſſion* of the *Apoſtolick Creed*, which both the pretended Aſſembly here at *Weſtminſter*, and the General Aſſembly there in *Scotland*, (at the end of the ſhorter Catechiſm) acknowledge to be a *Brief Sum of the Chriſtian Faith*, agreeable *to the Word of God, and antiently received in the Churches of Chriſt*: This their acknowledgment of its Antiquity and Scripture Purity, muſt force any *Scotch* Presbyterian, to grant that there is no more ſin in ſaying the Apoſtles Creed publickly in the Church, tho' there be no precept for ſaying it, than there is in ſprinkling water upon the Baptized Infant.

6. Now laying all theſe conſiderations together, that the purity in *Doctrine* which Presbyterian *Synods* confeſs, and the purity of *Publick Worſhip*, doing nothing which the *Directory* forbids, could be as well retained in the *Epiſcopal Church* of *Scotland* theſe 27 years, as in any Presbyterian *Kirk* or *Meeting-Houſe*: And that no Confeſſion of any Reformed Church, aſſerts the Divine Right of their *Presbytery* as before defined: And that the Covenant abjures not the Epiſcopacy likewiſe defin'd, but on the contrary it was petitioned for by the *Engliſh Covenanters*, I ſay laying all theſe things together, the impartial Reſolution of the preſent Queſtion, is this, That between the year 1662, and the year 1689, Presbyterian Separatiſts were guilty of ſinful Separation.

QUESTION V.

Whether the Penal Laws againſt Scotch *Presbyterians, had any thing of Perſecution in them?*

1. IT cannot be denied but there may be a party in a Kingdom of well meaning men, truly Pious and Peaceable, who yet for ſome *Non-Conformity* to the Church-Eſtabliſhment, may have too ſevere *Laws* Enacted againſt them, by the Execution of which they may ſuffer for *Conſcience Sake*; ſo that the queſtion here propoſed, plainly reſolves into this, Whether the *Penal Laws* againſt *Scotch* Presbyterians had any thing in them which cannot be juſtified in Chriſtian Policy as neceſſary, (at thoſe times in which they were Enacted) for the Preſervation of *true Religion and Publick Peace in the Church and State*? Or whether they were the uncharitable effects of a peeviſh reſentment, inconſiſtent with good Nature or Chriſtianity?

2. *Foraſmuch as it had pleaſed Almighty God to compaſſionate the Troubles and Confuſions of* Scotland, *by returning* King Charles *the* 2*d*, *to the exerciſe of that Royal Government, under which, and its excellent Conſtitution, that Kingdom had for many Ages enjoyed ſo much Happineſs, Peace, and Plenty*; The Noble Lord the Earl of *Middleton*, being for his unſhaken Loyalty honoured with his *Majeſties High Commiſſion*, the Adminiſtration of the *Oath of Allegiance*, to all the Members of Parliament, was the firſt thing enacted by the States thereof.

3. In

3. *In Conſcience of their Oaths of Allegiance, to maintain and defend the Sovereign Power and Authority of the Kings Majeſty; and in conſideration of the ſad conſequences that do accompany any encroachments upon, or diminution thereof, they, from their ſenſe of humble Duty*, wholy applyed themſelves in this Seſſion, to Eſtabliſh ſuch wholeſome Laws, as might by acknowledgment of his Majeſties Prerogatives, prove Salves to cure the State from the Diſeaſes of *Anarchy and Confuſion*, which had before in the *Uſurpation* ſeized her Vitals.

4. But all this time of the Parliaments ſole application to matters of State, in this firſt Seſſion, the Preſbyterian Clergy did not neglect to do all they could for a Parliamentary Confirmation of their Eccleſiaſtical Government.

5. Firſt, the Synod of *Edenburgh*, applyed themſelves to a Perſon of great Intereſt with his Majeſties Commiſſioner, that his Grace might be intreated to procure from his Royal Maſter, inſtructions to give them Presbytery without Biſhops; and they promiſed that they ſhould themſelves Enact, never to meet without his Majeſties Commiſſioner, who ſhould call and diſſolve them at his pleaſure: Which Act of theirs, they promiſed to get ratified by the firſt General Aſſembly.

6. And when they found this Addreſs of theirs to be without any ſucceſs, they fall upon another method, and ſend a Clergyman, whoſe name (becauſe of his Memory for his Piety and School Learning) I ſhall not mention, with this threatning, that if the Eſtates in Parliament confirm'd not their Presbytery, they ſhould have the People let looſe upon them.

7. In that *firſt Seſſion* of the *Parliament* already mentioned, the *King* with the Advice of the *Eſtates* therein Convened,

K. Ch. 2. Parl. 1. Act. 7, 9, 10. Convened, had before forbid the renewing of the *Solemn League and Covenant*, and by ſeveral Acts *annulled* all the pretended *Conventions of the* preceeding Rebellion; but this imperious Addreſs from the Miniſters, gave them a new ſenſible occaſion to be perſwaded, *that all the late Diſorders and Exorbitances in the Church, incroachments upon the Prerogative and Right of the Crown, and Uſurpations upon the Authority of Parliaments, and the prejudice done to the Liberty of the Subject, were the Natural Effects of the Invaſion made upon the Epiſcopal Government*; and therefore upon deliberation of twenty Months, they paſt an Act of its Reſtitution, in the beginning of the ſecond Seſſion of that Parliament.

K. Ch. 2. Parl. 1. Seſſ. 2. Act. 1.

8. This Act of *Reſtitution of Biſhops* had this effect, in reference to the *Scottiſh* Clergy: Whoever among them were diſappointed in their hopes of Preferment, or were Lovers of Eaſe from the burthenſome Service in the Church, or elſe impatient to be made ſubordinate to thoſe with whom they ſo lately had been upon a Level, forſook their Miniſtry, but they lived quietly at their reſpective habitations, and in Perſonal Conformity to the Church Eſtabliſht. Others again (and of them not a few) were ſenſible that the Eſtabliſhed Epiſcopacy, being obliged to exerciſe their Juriſdiction in a Synod with the ballance of Aſſiſting Presbyters, was the only Church Government which could be obtained of the *State*, (and which was not abjur'd in *the Solemn League*) and therefore did keep their Charges, and were willing to own Canonical Obedience to their Dioceſan Biſhops.

9. This Example of Chriſtian ſubmiſſion to Authority, given by the generality of Presbyterian Miniſters of both ſorts, gain'd the Laity of that Perſwaſion to a Pious and Sober obſervance of the Publick Worſhip; ſo that at that time nothing was wanting to render that National Church happy without Proteſtant Diſſenters, but a competent

petent number of Godly, Learned, and Grave Men to fill up the vacant places of thoſe who, for any of the Motives before mentioned, had left their charges; and till that deplorable want (eſpecially in the Weſt,) the Separation from the regular Meetings for Divine Service, was ſo little obſervable, that before *June* 1663, the wiſdom of that Nation had by no Act provided againſt it.

10. It is true, that the libellous Sermons and Books of ſome wicked Men, which were written to juſtify the Murder of *Charles* the I. and the Baniſhment of *Charles* the II. the renovation of the Covenant, the neceſſity of taking up Arms to promote its Ends, and the ſinfulneſs of complyance with the legal Settlement in Church or State, did now alarm that Parliament.

11. They conſidered *how ſeditious, and of how dangerous example and conſequence Seperation from the rugular Church might prove* for the future: And therefore for ſecurity of the State from the confuſions they had ſo lately ſmarted under, they were forced to enact a Penal Law againſt it, importing, *That every Perſon having an Inheritance, ſhould pay the fourth part of his yearly Eſtate; every Yeoman Tenant or Farmer the fourth part of his free moveables (after the payment of their Dues to their Maſter;) and that every Burgeſs ſhould loſe all the Priviledges within the Borough, and the fourth part of his moveables.* K. *Ch.* 2. *Parl.* 1. *Seſſ.* 3. *Act.* 2.

12. But notwithſtanding this Penal Law, the contagion of thoſe Books and Sermons which poiſoned ſo many with Principles of Separation from the eſtabliſhed Church, produced the renovation of the *Covenant*, contrary to the Authority of the *King* and *Parliament*; and that again was followed by an open Rebellion of the Weſtern parts (known by the name of *Pentlin Hills*) in the Year 1666, defeated by the King's Army, ſo that they were out of capacity of reſiſting: However, the *King* in his Royal

Royal Clemency, at the Addreſs of ſome States-men, gave them indulgence to convene in Meeting-Houſes for Divine Worſhip; and they made this good uſe of his Mercy, as that by them the incumbent Miniſters (whoſe Characters would have ſecured them any where but in the Weſt of *Scotland*) *had their Houſes in the night time invaded, their Perſons aſſaulted, wounded and purſued for their Lives.* Then indeed, that *merciful Prince*, with advice of his Eſtates in Parliament, *having a juſt indignation of ſuch horrid and unchriſtian Villanies, thought fit to brand the ſame with a ſignal mark of diſpleaſure.* And this Act of the Date, *Aug.* 1670. is the firſt that puniſheth with Death and confiſcation of Goods.

K. *Ch.* 2. *Parl.* 2. *Seſ.* 2. *Act.* 4.

13. It is true indeed, the King and his Eſtates of Parliament, *filled with indignation at the ſcandalous ſin, which procured this former Penal Law; and underſtanding from thence, that the ſpecious pretences of Religion were altogether falſe, and taken up by ſeditious Perſons*; They immediately paſs'd another Act againſt Conventicles; the Preamble of which laſt Act declares, *That ſuch Meetings were the ordinary Seminaries of Rebellion as well as Separation, that they tended to the alienating the Hearts of the Subjects from their Duty and Obedience they owe to his Majeſty and the Publick Laws, and by conſequence, to the reproach of the Authority of the King and Parliament, as well as the prejudice of Gods publick Worſhip, and the ſcandal of the Reformed Religion:* And therefore they were obliged in reaſon of State, as well as for the Peace of the Church, to make the Penalty of this Law fall heavy upon the Tranſgreſſors thereof.

K. *Ch.* 2. *Parl.* 2. *Seſ.* 2. *Act.* 5.

14 And the Penalties therein contained (as nigh as I can value *Scottiſh* Mony by the current Coin in *England*) are theſe following: *That every Miniſter, preaching at a Conventicle, ſhould be impriſoned till he find ſurety for* 275 *l.* *that he ſhould not do the like thereafter, or elſe oblige himſelf by Bond to remove*

move out of the Kingdom, and never to return without his Majeſties leave; that every one of any Inheritance ſhould pay the fourth part of his yearly Eſtate; that every Servant ſhould pay the fourth part of his yearly Wages; that every Farmer ſhould pay Forty Shillings, and every Tenant under them Twenty.

12. Further, *His Majeſty underſtanding that divers diſaffected Perſons had been ſo maliciouſly wicked and diſloyal, as to convocate his Subjects to open Meetings in the Fields; and conſidering that thoſe Meetings were the rendezvous of Rebellion, and tending in a high meaſure to the diſturbance of the publick Peace, declares, that thoſe who in Arms did convocate in Field Conventicles, ſhould be puniſhable by Death, and confiſcation of Goods; and that thoſe preſent at them, ſhould be puniſhed in double the reſpective Fines appointed againſt Houſe-Meetings.* This Act is dated *Aug.* the 30*th.* 1670.

13. *Theſe acts againſt Separation in Meeting-houſes, or in the Fields, were appointed to endure only for the ſpace of three years, unleſs his Majeſty ſhould think fit to continue them longer; wherefore his Majeſty conſidering that they had not received due Obedience, and that the execution thereof had not been ſo proſecuted, as by the Tenor of the ſame is preſcribed, found it neceſſary, with the adviſe of his Eſtates in Parliament, in* Sept. 1672. *that they ſhould remain in force for other three Years to come.*

14. Theſe are the Penal Laws in *Scotland* againſt the Preſbyterians, made by divers free Parliaments againſt their ſinful Separation from the Church, to frequent Meeting-houſes or Field-Conventicles, upon mature conſideration of the inconſiſtency of it, with Religion towards God; Affection to the Laws; Loyalty to the King; or Study of the publick Peace of the State: And three Rebellions in 23 years (from the year 1663 to the year 1686) have juſtifyed the Juſtice and Wiſdom of theſe Parliaments. But none ever

ſuffered for meer Separation but in purſe; and never any was puniſhed that way, but ſuch as came to Church to ſave their Money, notwithſtanding all their pretended ſcruples of Conſcience: Wherefore unleſs we derogate from the Authority of King and Parliament, juſtify Rebellion, and prefer private Humour to publick Peace, the impartial Reſolution of the preſent Queſtion is this, That the Penal Laws againſt the *Scotch* Presbyterians had nothing of Perſecution in them.

QUESTION VI.

Whether the Epiſcopal Clergy in Scotland *from the Year* 1662 *to the Year* 1686, *ſhewed any thing of the Spirit of Perſecution againſt Presbyterians?*

1. NOtwithſtanding that the Presbyterians are pleas'd to ſay, they were dragoon'd by the Biſhops and Epiſcopal Clergy, alluding to that way of Converſion in *France*, which indeed was procur'd by an Addreſs of the Aſſembly of the Clergy of that Kingdom; yet this is a palpable Injuſtice and Calumny. For certain it is, that all theſe twenty four years never produced one Addreſs of the *Preſbyterial*, *Dioceſan*, *Provincial*, or *National Aſſembly* of the Eſtabliſhed Church of *Scotland*, either beſeeching the High Court of *Parliament*, or the *Lords of the Privy Council*, to make or execute Laws againſt *Proteſtant Diſſenters*: Wherefore, notwithſtanding all the paſſionate Exhortations in private, and the publick Sermons in the Church, concerning the guiltineſs of *Schiſm*, and the neceſſity of *Union* among *Proteſtants*,

Proteſtants, againſt their *common Adverſaries*, the Inferiour Clergy there cannot be poſſibly charged with the Spirit of *Perſecution* againſt *Presbyterians*. Nay, upon the contrary, our Clergy were ſo averſe from giving obedience to the Act that enjoyned them to preſent written Liſts of the Diſſenters in their reſpective Pariſhes, and ſo very inflexible to the Publick Order for their Judicial informing upon Oath againſt Separatiſts, that the Judges competent, and Officers of State chid them in Publick for diſaffection to the Royal Government; ſo that under that Imputation they had nothing but their Innocency to ſupport them, in the Spirit of Meekneſs and Charity to their ſworn Enemies.

2. Again, it were a great Injuſtice to the Lords Spiritual, the Biſhops, to charge any of them as having been the firſt movers of thoſe Penal Laws againſt Separation; but ſince the repeated Rebellions of Forty Years paſt, convinced all Mankind of the neceſſity of thoſe Laws for the ſecurity of Religion and the Peace of the State, the Biſhops conſenting, or even adviſing to thoſe Laws, is ſo far from inferring their having a Perſecuting Spirit, that on the contrary, their doing otherwiſe, had demonſtrated them to be Enemies to the Commonwealth, in all its concerns both Sacred and Civil.

3. But withal, it cannot but be acknowledged by any one that conſiders things calmly, that none of thoſe Biſhops had it ever in their power to ſhew acts of Compaſſion towards deluded Separatiſts of whatever quality, but he chearfully did it, in relieving their Neceſſities, or mitigating the execution of the Penalties by Law enjoin'd. To make a proof of this by enumerating particular Acts of Charity (which Presbyterians, to this day alive, will acknowledge) would make the Reſolution of this Queſtion ſwell Four times bigger than all the Four Letters concern-

ing the present Persecution of their Clergy; therefore I shall forbear it.

4. Now since Private *Exhortations*, and Publick *Sermons* against *Schism*, and recommending *Union*, were all the appearances made by that Inferiour Clergy against Separatists; and since all the Bishops in Parliament advis'd to no *Penal Laws* against Separation, but such as were justified to the World by a *Threefold Rebellion*, to be necessary in *Policy* as well as *Religion*, for the common good of the *State* as well as *Church*; I say, after all, the impartial Resolution of the present Question is this, That the Episcopal Clergy in *Scotland*, from the year 1662 to the year 1686, shewed nothing of the Spirit of Persecution against Presbyterians.

QUESTION VII.

Whether the Episcopal Church of Scotland *were Compliers with the Designs for taking away the Penal Laws against the Papists?*

1. FOr the clearer resolution of this Question, let us distinguish betwixt the *Scottish* Episcopal Church, *diffused* through all the Laity of that Kingdom; and that Church again under the more restrained notion of *Representative*, comprehending the *Clergy*: and let us likewise distinguish the Clergy unto the *Lords Spiritual* the *Bishops*, and the subordinate *Ministers* and *Pastors*; that so without partiality,

tiality, every one of these Societies of Protestants may be considered in reference to the matter of fact in question.

2. And to begin with their Episcopal Church Diffusive. The Two Estates of Barons (great and less) and Burgesses, fully represent them, in Parliamentary Assemblies; the free and full Parliament convened *An.* 1685. consisted of such Men as had all of them sworn in the *Test* against the *Covenant-Principles* of *Presbytery*: This Episcopal Parliament so resolutely own'd themselves to be averse from taking away these Legal Restraints upon *Papists*, that the Vote about repealing those *Penal Laws* came never further than the *Lords of the Articles:* All this the Episcopal Church Diffusive did, with the apparent hazard of displeasing the Prince, who was then so zealous for an extensive Liberty to Papists, that for the disappointment which he found therein from that *Parliament*, he chose to turn out of his Service, some who had been the most faithful to him both in Civil and Military Affairs.

3. Again, for the Church Representative of *Scotland*, the most malicious Enemies to the Episcopal Order, asperse but two of fourteen Bishops, for their complyance to these designs; and it is as well known that two of the twelve were depriv'd.

4. Then as for the inferior Clergy, they were constantly faithful in Preaching against the Doctrines of the Roman Church, notwithstanding the necessity they were under, of reading the Law against *LEESING MAKING*, every quarter of the year, to affright them into silence; they as often as they preached, remembred in their Publick Prayers, the persecuted Protestants in *France*, notwithstanding all that was done to stifle and disparage the belief of the Persecution; nay, in none of their

their Synodical Sermons, was the eminent danger from the buſie Jeſuites and other Papiſts forgotten; nor in any Sermon, the miſerable Fopperies of Popery omitted, even before his Majeſties own Commiſſioner, whether in the Cathedral Church at *Edenborough*, or the Chappel Royal at *Holy-Rood-Houſe*: And in the Synod of *April* 1685, (when the Biſhops could not be with them, by reaſon of the approaching Parliament) they drew up their Remonſtrances againſt Popery; and like dutiful Sons and Zealous Proteſtants, ſhewed their ready concurrence with the Biſhops, in that day of Tryal: And it's certain, that to their Intereſt with the Country, it is chiefly to be attributed, that the Penal Laws againſt Papiſts were not then repealed.

5. All this they did, not with connivance of the Court, but with apparent hazard of its heavieſt diſpleaſure, executed in the cenſuring of ſome, ſuſpenſion of others, and depoſition of others, who were all patient and chearful Confeſſors for that Holy Religion, which they Profeſſed and Taught in ſeaſon and out of ſeaſon: Wherefore the impartial Reſolution to the preſent Queſtion, is this, That neither the Epiſcopal Church Diffuſive, nor Repreſentative the Clergy, whether Superior, or Inferior, were Compliers with the Deſigns for taking away the Penal Laws againſt Papiſts.

QUESTION

QUESTION VIII.

Whether the Scottiſh *Presbyterians were Complyers with the Deſigns for taking away the Penal Laws againſt Papiſts?*

IN ſatisfying this Queſtion, let us take the ſame method which we took to ſatisfie the former: And to begin with the Laity of the Presbyterian Perſwaſion, none of theſe were ignorant that the Convening of the Parliament in 1685, was to obtain of them a free admiſſion of Papiſts into all places of Truſt; King *James* his Principles for Liberty of Conſcience, fill'd up all his Declarations for Indulgence within his Kingdoms; none of the Presbyterians were unacquainted that he had ſent an Ambaſſador to the Pope, and that the Pope had his *Nuncio* at *Whitehall*; none of them believed that the *Engliſh* Court in thoſe circumſtances, would do any thing relating to Religion, but what was agreeable to the meaſures of the Conclave; none of them were ignorant, that Papiſts call all Proteſtants Hereticks, and that they damn all Hereticks to Hell; and that King *James* oft declared, that Presbyterians could not be Loyal; and that he could never ſo much forget the Murder of his Royal Father of ever Bleſſed Memory, as to truſt them himſelf: There was none of them but knew, that every Zealous *Papiſt* believes the *Roman* Church Infallible; and that Infallibility is inconſiſtent with Liberty of Conſcience: And therefore all the *Presbyterian* Laity were doubtleſs conſcious, that the Indulgence given to them by a *Popiſh* King, aſſented unto by the *Pope*'s *Nuncio*, conformable to the Senſe of the Roman Conclave, could never be intended

intended for the Eaſe of *Proteſtant Diſſenters*, but with deſign of making *Papiſts* ſhare in the Bleſſing; and that by this ſtep *Papiſts*, got into Power, might apply it to the overthrow of the Reformation, was doubtleſs obvious to every *Presbyterian*: And therefore the acceptance of, and thanksgiving for ſuch an Indulgence, was a groſs compliance with the deſigns for *Popery*, tending to the deſtruction of the *Proteſtant Religion*.

2. All this Charge lies equally heavy upon the Miniſters of that Perſwaſion, with theſe aggravating circumſtances, that whereas in the Reign of a *Proteſtant* King, they preached againſt *Popery* as imminent and at hand; they in the Reign of a *Popiſh* King, were guilty (for the moſt part) of ſhameful ſilence; yea when one of their number (more faithful than the reſt) *viz.* Doctor *Hardy*, in a Sermon at *Edenborough*, which he preached at their *Provincial Aſſembly*, had Exhorted them to take heed, that the Indulgence to *Proteſtant* Diſſenters, might not be an Engine for bringing *Popery* into the Kingdom; and when for the preaching of this Sermon, he was Arraigned for his Life, none of all his Brethren, nor any of the Laity, (except the good Mr. *R. B* ——— *d* Merchant in *Edenborough*) would ſhew him any Friendſhip: But on the contrary, they did openly condemn his doing his Duty, as *indiſcreet Zeal*: And certainly he had ſuffered as the worſt of Malefactors; had it not been for the Epiſcopal Advocates that pleaded for him, and the Epiſcopal Judges that acquitted him, and took all his danger upon themſelves: Wherefore the impartial Reſolution to the preſent Queſtion, is this, That the *Scotch Presbyterians* were Compliers with the late Deſigns for taking away the legal Reſtraints againſt *Papiſts*.

Queſtion

QUESTION IX.

Whether Scottiſh *Presbytery in the Church, be conſiſtent with the Legal Monarchy in that Kingdom?*

1. AS the *Solemn League* is the *Canon*, and the Acts of their *General Aſſemblies*, the Interpreters of the *Principles* of *Scottiſh Presbytery*; ſo on the other hand, the Acts of *Parliament* of that Kingdom, are the only *Interpreters* of the Rights of their *Monarchy*: Wherefore the Queſtion here propoſed, reſolveth unto this, Whether the *Scotch Presbyterians* in their Aſſembly Acts, which are founded upon the Covenant, make any Enchroachment upon the *Royal Prerogatives* of that Crown, which are aſſerted by their Acts of *Parliament* unrepealed.

2. *To chuſe Perſons qualified by Law to be Officers of State, Councellors, and Judges, is one Prerogative acknowledged to be inherent in the Kings of* Scotland: but the *Principles* of their *Presbytery*, make this to be the *Prerogative* of the Kirk; as appears by the 4*th Article* of the *Covenant*, *wherein they ſwear to endeavour with all faithfulneſs the diſcovery of all ſuch as have been or ſhall be evil Inſtruments, by making any Parties contrary to that Covenant, that they may be brought to publick Tryal, and receive condign puniſhment.* This is farther declared in their Anſwer to the pretended Committee of Eſtates; by which Anſwer they propoſe as a ſafe Rule in this caſe, *that the Duties of the Second Table, as well as of the Firſt, namely the Duties between King and Subject, Maſters and Servants, being contained in, and to be taught and cleared from the Word of God, are a ſubject*

K. *Ch.* 2. Parl. 1. *Act.* 2.

Aug. 1648.

of

of Miniſterial Doctrine, and in difficult caſes a ſubject of cognizance and judgment, to the Aſſemblies of the Kirk? Now what caſes are difficult, in which *King* and *Subjects* are the *Parties*, the Kirk muſt judge, and be as *Infallible* in *Scotland* as in *Rome*.

K. Ch. II. Parl. 1. Act. 3.

3. Another *Perogative* of the *King of Scotland*, is declared, *his power of Calling and Diſſolving Parliaments* (by himſelf) *and making of Laws with their Advice and Councel.* And this *Prerogative*, in all its Branches, is uſurped upon by the *Principles of Presbytery.* As for his power of calling *Parliaments* by himſelf, either Presbyterian Kirk-men are not Subjects of the *Scottiſh* King, or elſe by their acknowledgement of this Royal *Prerogative*, his *Letters Patents* directed to them, may command their *Aſſembling* about *Eccleſiaſtical Affairs*, as well as the other *Eſtates* to convene for *Matters Civil*: But ſhould they once grant that the power of their Aſſembling flows immediately from the *King* their *Soveraign*, and not immediately from *Chriſt*; then ſhould they by Laws of conſequence be obliged to confeſs, that Chriſt gives them no Warrant to Aſſemble without Warrant from their *King*. But this the *Presbyterian Kirk* cannot grant to the *State*, becauſe thereby their *Covenant* ſhould become an unlawful bond of *Treaſon*, and the moſt of their *Aſſembly* Acts *null and void*; ſince firſt that Oath was *ſworn*, and thereafter the moſt of thoſe Acts were paſs'd without, yea, and contrary to the *expreſs Will and Pleaſure of their King*.

4. Then the Kings Power to *Diſſolve* Parliaments by himſelf is another Branch of his Royal *Prerogative*: But this is likewiſe Uſurped upon by the Principles of *Presbytery*; for as much as the Second Article of the *Covenant bindeth to preſerve the Priviledges of Parliament*, with the preſervation of which Priviledges, the General Aſſembly *July 1648.*

declares

declares the Kings negative Voice inconſiſtent. Now if the King have no *Negative Voice* in a *Parliament* that enjoys its *Priviledges*, then any thing concluded by the *Majority* of ſuch a Parliament, may paſs into a formal *Act*, though the King ſhould deny his concurrence; and by *conſequence*, without the Royal Aſſent, they might make a *Law* for continuing their Seſſion as long as they pleaſe; by vertue of which Law, the *Royal Authority* could not *Diſſolve* them, according to theſe Covenanting Principles.

5. In the Third place, *the power of making Laws* is Uſurped from King and Parliament by the Principles of Presbyterians: For in the laſt Article of their *Covenant they ſwear that they ſhall all the Days of their lives zealouſly and conſtantly continue therein againſt all oppoſition, letts, and impediments whatſoever*; and in conſcience of this part of their Oath the Kirk Aſſembly Men paſs'd an *Act declarative againſt an Act of Parliament and Committee of Eſtates (dated in* June, *the ſame year,) and in general, againſt all others made in the common cauſe without conſent of the Church.* July 28. 1648.

6. A Third *Prerogative Royal* in the *Crown of Scotland*, is that of *making Leagues and Conventions of the Subjects.* Now that cannot conſiſt with the Principles which flow from that *Covenant* which was entred into by the Aſſembly of the *Subjects*, without the *King*; and more particularly is it Invaded by thoſe Principles by which they emitted an *Act declaring againſt the bond ſubſcribed by the* Scotch *Lords at Oxford, and inflicting the higheſt Eccleſiaſtical Cenſures againſt any who ſubſcribed, or framed, or were acceſſary to the Execution of the ſame.* June 3. 1644.

7. The making Peace and War with Foreign Princes, is another Branch of this Prerogative of the Crown of *Scotland*,

land, acknowledged to be in the King. But this alſo, according to the Principles of Presbytery, is Uſurped upon by that Kirk; for ſhe, in the Explication of the Sixth Article of the Covenant (already mention'd in the Fourth number concerning the Third Queſtion) declares her ſelf in her *ſolemn and ſeaſonable warning* to all her Children of the Covenant, after this manner, *Whoſoever he be that will not according to publick Order and Appointment adventure his Perſon, or ſend out thoſe that are under his power, or pay the Contributions impoſed for the maintenance of the Forces, muſt be taken for an Enemy, Malignant, and Covenant-breaker, and ſo involved both into the diſpleaſure of God, and cenſures of the Kirk.*

K. Ch. 2. Parl. 1. Act. 5.

Feb. 12. 1645.

8. Now the King's Power to *chuſe Officers of State, Counſellours and Judges* qualified by Law, to *Call and Diſſolve Parliaments* by himſelf, and *make Laws* with their Advice, to make *Leagues and Conventions of the Subjects*, and to *make Peace and War*, being all *Prerogatives* Royal of the *Crown of Scotland*, aſſerted by *Acts of Parliament unrepealed*; and all theſe being ſo notoriouſly Uſurped upon by the Presbyterian *Kirk*, the impartial Reſolution of the Queſtion is this, That this *Scottiſh* Presbytery in the Church, is Not Conſiſtent with legal Monarchy in that Kingdom.

QUESTION X.

Whether Scottiſh Presbytery *be agreeable to the general Inclination of that People?*

1. AFter it hath been Demonſtrated that the Principles of *Scotch* Presbytery are inconſiſtent with that Monarchy,

chy, to ſay that Presbyterian Church-Government were agreeable to the mind of the Repreſentatives of that People in the current Parliament, might be conſtructed the capital Crime of *LEISING MAKING* to his Majeſty, againſt his Supreme Judicature: And therefore this Queſtion hath Reference to the People whom they repreſent; and reſolveth into this, Whether the generality of the *Scottiſh* Nation would be glad to accept of *Presbytery*, inſtead of the *Epiſcopacy* lately aboliſhed.

2. For the clearer reſolution of the Queſtion thus ſtated, that Kingdom may be diſtinguiſhed into the *Laity* and *Clergy*; and the *Laity* diſtinguiſhed into the *Nobility*, *Gentry*, and *Commons*: And the *Clergy* again into the *Biſhops* and ſubordinate Paſtors, after whom we may conſider the *Univerſities* and *Colledges* of Learning.

3. As for the Nobility. Since that Honourable Eſtate of the Kingdom have by birth their Peerage in Parliament, beſide that it were *Scandalum magnatum* to ſay that they inclin'd to that Church Government, which is not conſiſtent with their Monarchy; it were alſo a *Scandalum Chriſtianorum*, to ſay that thoſe Men of Honour and Conſcience, who (a very few excepted) ſwore in the Teſt againſt all Fanatical Principles, and renounced all Covenant-Obligations, do incline to Presbytery. And it's well known that there never were in *Scotland* above a dozen of Peers ſo much Presbyterian as to refuſe the Declaration againſt the Covenant-Principles, the taking of which qualified them to ſit in Parliament.

4. Again, for the *Scottiſh Gentry*, it's certain that not One of Forty in all *Scotland* but has taken the Teſt; and Four years ago, not Fifty in all *Scotland* (out of the *Weſt*) did upon the Indulgence, forſake their Churches to frequent Meeting-Houſes. And it cannot be ſup-

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poſed of any who have ſo generous Blood in their Veins, that they ſhould have ſo little Honour or Conſcience as to incline to that Church Government, which uſurps the *Priviledge of entring into Covenants and Leagues, and Convening in Aſſemblies, for Treating, Conſulting and Determining in matters Eccleſiaſtical, without the Royal Command, or expreſs Licenſe:* Which is a Practice contradicting the Promiſſory part of that Oath of the Teſt.

5. Then for the Commons; it is certain that the generality of them (as well as the richeſt and moſt ſenſible part) live in Cities and Market Towns; now all ſuch Burgeſſes who were either worthy to be of the *Common Council* of the Towns they lived in, or were able to follow any ingenuous Trade, were obliged to take the *Teſt* before they could be qualified to elect Burgeſſes for Parliament; and therefore, according to their Senſe and Conſcience of an Oath, they cannot but have an averſion againſt *Presbytery*; yea, their loud Cries and Rivers of Tears at the Farewel-Sermons of their Epiſcopal-Paſtors (for whom they would have pluckt out their right Eyes) in all other parts of *Scotland* but the *Weſtern* Shires, heighteneth the probability, that they are not in love with Presbytery.

6. Then for the Clergy; ſince they all have owned Epiſcopal Ordination, ſworn the Oaths of *Allegiance, Supremacy*, and the *Teſt*, it cannot be ſuſpected of any of them, without a blemiſh of their Integrity or Conſtancy, that they ſhould be inclin'd to Presbyterian Government. And if Twenty of a Thouſand are Trimmers betwixt the Biſhop and the Presbyterian Moderator, yet ſure thoſe Twenty added to all the Field-Preachers and Meeting-houſe-keepers, will not make up the number of a fifth part of the *Epiſcopal Clergy*: No doubt they will ſay, that what they want in the number, they have in the worth of their Miniſters:

Miniſters: But how far we may believe them in their ſetting value upon themſelves, may partly appear from the conſideration of their late Commiſſioners to this Court; for doubtleſs, for the managing of their Cauſe, they made choice of the fitteſt Men they had, as for all other Abilities, ſo eſpecially for ſoundneſs in the Principles of Presbytery, alſo of the greateſt moderation; and yet one of the Three, Mr. *W*——*ſon*, before he got his Firſt Wife, was a malignant Lecturer under Biſhops, and ſo continued, till his firſt diſappointment of getting his Rectors Place, made him deſert his own with Indignation, and that made him an enemy to Epiſcopacy. Another of them, Mr. *K*——*dy*, was, before the reſtitution of Biſhops, deprived by his Presbyterian Brethren, (to uſe their own Words as near as I can remember) *as a Firebrand of Hell to inflame the Church on Earth.* The Third is ſo famous, that I never heard of him till he came in this Character.

7. Then in all the Four Univerſities, it is certain that not Four Maſters, Head or Fellow, incline to Presbytery; and the Colledges of Juſtice and Phyſick at *Edenborough*, were ſo averſe from it, that the generality of them were ready laſt Summer, to take Arms in defence of their Epiſcopal Miniſters. Wherefore, ſince neither the moſt part of the *Scotch* Noblemen, Gentry or Commons, Clergy, Univerſities or Colleges, are for Presbytery, or in Honour or Conſcience can be; we conclude, That *Scotiſh* Presbytery is not agreeable to the mind of that People.

FINIS.

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